

Public Safety Wireless Network

Achieving Interoperability Through Cooperation and Coordination

March 8, 2000

Magalie Roman Salas
Secretary
Federal Communications Commission
TW-A325
445 Twelfth Street, SW
Washington, DC 20554

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

**Re: Petition for Reconsideration of the Commission's Second
Memorandum Opinion & Order, *In the Matter of Service Rules for the
746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the
Commission's Rules*, in WT Docket NO. 99-168**

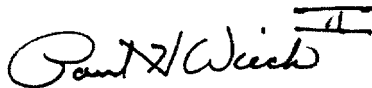
Dear Ms. Salas:

On behalf of the Public Safety Wireless Network (PSWN) Program and pursuant to Section 1.419 of the Commission's rules, 47 C.F.R. § 1.419 (1999), enclosed herewith for filing are an original and four (4) copies of the PSWN Program's Petition for Reconsideration in the above-referenced proceeding.

Kindly date-stamp the additional, marked copy of this cover letter and return it via the person delivering this filing by hand.

Should you require any additional information, please contact the undersigned.

Respectfully submitted,



Brigadier General Paul H. Wieck II
Iowa Army National Guard
Chair, PSWN Executive Committee
Spectrum Working Group



Steven Proctor
Executive Director,
Utah Communications Agency Network
Executive Vice-Chair,
PSWN Executive Committee

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
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Service Rules for the 746–764 and)	
776–794 MHz Bands, and)	WT Docket No. 99–168
Revisions to Part 27 of the)	
Commission’s Rules)	
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PUBLIC SAFETY WIRELESS NETWORK (PSWN) PROGRAM PETITION FOR
RECONSIDERATION OF THE COMMISSION’S SECOND MEMORANDUM
OPINION AND ORDER

1. The Public Safety Wireless Network (PSWN) Program¹ Executive Committee (EC) respectfully submits the following Petition for Reconsideration (PFR) of the Commission’s Second Memorandum Opinion and Order (2nd MO&O) in the above–styled proceeding. As an entity dedicated to fostering interoperable public safety communications, the PSWN Program is concerned about the conclusions reached by the Commission with regard to protecting public safety receivers from harmful interference. Through this PFR, the EC hopes to once again bring to the Commission’s attention the EC’s concern that mission–critical public safety communications not be impeded through harmful interference to any extent or for any duration.

¹ The PSWN Program is a federally funded initiative operating on behalf of all local, state, and federal public safety agencies. The Department of Justice and the Department of the Treasury are jointly leading the PSWN Program’s efforts to plan and foster interoperability among public safety wireless networks. The PSWN Program is a 10–year initiative that is an effort to ensure no man, woman, or child loses his or her life because public safety officials cannot talk to one another.

I. BACKGROUND

2. In the 2nd MO&O, the Commission denied a PFR by Motorola asking the Commission to re-evaluate its decision to permit both base and mobile transmitters on both the upper and lower 700 megahertz (MHz) commercial guard band spectrum blocks, and to revise Section 27.50 of its Rules accordingly. Motorola asserted that the Commission's rule change would potentially result in additional interference from base station transmitters in the commercial 777–792 MHz band with public safety base station receivers operating in the nearby 794–806 MHz block. Motorola asserted that commercial base stations operation in upper band would cause interference with public safety base stations with up to 3 miles (4.8 kilometers [km]) of separation.

3. ArrayCom, TRW, Adaptive, and BellSouth opposed Motorola's PFR. These entities contended that Motorola's notion that a 1 decibel (dB) rise in the noise floor would result in a disruption to public safety communications was unreasonable. These Commenters contended, in essence, that Motorola's assumption of a 0 dB clutter factor (i.e., Motorola's conclusion that there would be no signal attenuation between commercial and public safety base stations from natural or man-made obstructions) was unrealistic.

4. In denying Motorola's petition, the Commission effectively concurred with these entities. The Commission did not accept Motorola's initial premise that the –6 dB interference level that it employed in its calculations, which generated the 1 dB increase in the noise floor, would cause objectionable interference with public safety receivers. The Commission was not persuaded that public safety base stations within 4.8 km of a commercial base station would experience unacceptable interference, nor did it concur with Motorola's determination that a 1 dB increase in the noise floor would result in interference that would be unreasonable and overly restrictive.

5. The Commission ultimately concluded that the degree of interference that would be caused by a base station would be comparable, if not identical, to the degree of interference that would be caused by a fixed station.

6. The Commission further added that any required mitigation measures would involve only a small percentage of a commercial licensee's base stations.

II. DISCUSSION

7. In asking the Commission to further reconsider its determination concerning Section 27.50, the PSWN Program cites, as did the Commission in the 2nd MO&O, the Association of Public-Safety Communications Officials-International, Inc. (APCO). APCO supported the results of Motorola's findings in a December 21, 2000, ex parte letter to the Commission and urged the Commission to review its service rules for the commercial portions of the 700 MHz band and to take appropriate steps to protect public safety communications.²

8. Although the PSWN Program has not undertaken an independent evaluation of the results, the PSWN Program is of the opinion that as a general matter that there appear to be ample technical findings on both sides to support either view.

9. The PSWN Program further believes, based on the experience of its constituency, that future analyses ought to account for the aggregated amount of interference of multiple transmitters on the guard bands, noting as an example the experience with NEXTEL on the 800 MHz band in San Diego, which created considerable problems and has required significant ongoing efforts on the part of both NEXTEL and the public safety community to resolve.

10. As a result, the PSWN Program urges the Commission to forestall establishing the proposed changes to Section 27.50 until sufficient technical evaluation can be completed and considered by the Commission to resolve the apparent conflict regarding adequate protection standards.

² 2nd MO&O at Para. 5.

11. The PSWN Program is particularly concerned about the Commission's conclusion that interference issues can be resolved through mitigation measures undertaken after the Rules have already been amended and, by definition, after public safety receivers are already potentially subject to harmful interference. It has long been the PSWN Program's contention that because of the mission-critical role of public safety entities in protecting life and property, no degree of interference, even for a short time, is acceptable, let alone the time it would potentially take to undertake mitigation proceedings for ongoing interference.

12. Although the PSWN EC understands the motivation of the Commission in making valuable commercial spectrum available for innovative service offerings as envisioned by the Congress, the EC also notes the specific intent of the Congress in setting aside 24 MHz of spectrum on the 700 MHz band for public safety usage pursuant to the Balanced Budget Act of 1997. The PSWN Program further notes the Commission's original reasoning for the development of its Rules for the adjacent commercial spectrum under this docket, to include designation of the 6 MHz of adjacent spectrum as guard bands to protect public safety receivers from harmful interference. The PSWN Program once again advances its established position that it is advisable to err on the side of caution when establishing protection standards for commercial spectrum adjacent to 700 MHz public safety systems.³

III. CONCLUSION

13. Based on the foregoing, the PSWN Program urges the Commission to forestall modification of Part 27 of its rules in order to ensure that consistent, reliable, and interoperable communications are available to public safety entities at all levels of government nationwide.

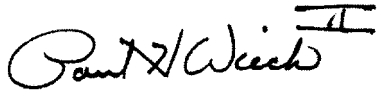
14. Moreover, the PSWN Program cites the Commission's own pledge, in the 2nd MO&O, that it "remains committed to ensuring that operation of commercial wireless services in the 700 MHz band does not impair public safety operations in nearby spectrum."⁴

³ See, e.g., PSWN Program Reply Comments to Notice of Proposed Rulemaking, WT Docket 99-168, August 13, 1999 at Para. 13.

⁴ *700 MHz First Report and Order*, 15 FCC Rcd at 490-491, para. 33, as cited, 2nd MO&O at para. 6.

15. The EC commends the efforts of all parties involved in the resolution of this critical issue, and respectfully requests the Commission to carefully consider the PSWN Program's positions herein submitted in light of the positions of others.

Respectfully submitted,



Brigadier General Paul H. Wieck II
Iowa Army National Guard
Chair, PSWN Executive Committee
Spectrum Working Group



Steven Proctor
Executive Director,
Utah Communications Agency Network
Executive Vice-Chair,
PSWN Executive Committee

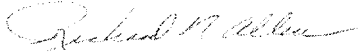
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CERTIFICATE OF SERVICE

I, Richard N. Allen, Senior Associate, Booz·Allen & Hamilton Inc., 8283 Greensboro Drive, McLean, Virginia, 22102–3838, hereby certify that on this date I caused to be served, by first–class mail, postage prepaid (or by hand where noted) copies of the Public Safety Wireless Network Program’s Petition for Reconsideration of the Commission’s Second Memorandum Opinion & Order, *In the Matter of Service Rules for the 746–764 and 776–794 MHz Bands, and Revisions to Part 27 of the Commission’s Rules*, the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Fair Oaks, Virginia this 8th day of March 2001.



Richard N. Allen

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